

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CRYSTAL BOLDUC,

Plaintiff,

vs.

AMAZON.COM INC.,

Defendant.

Civil Action No. 4:22-cv-615-ALM

AGREED JOINT MOTION REGARDING STAY OF DISCOVERY

COME NOW, Plaintiff Crystal Bolduc (“Plaintiff” or “Bolduc”) and Defendant Amazon.com, Inc. (“Defendant” or “Amazon”)¹ (collectively, the “Parties”) and file this Agreed Joint Motion to Stay Discovery, with reference to the following facts and recitals:

1. On December 15, 2022, Plaintiff filed a First Amended Complaint alleging that Amazon discriminates in the dissemination of a grant provided to certain delivery service partners. *See* Dkt. No. 8.

2. Subsequently, on January 31, 2023, Amazon filed (i) a Motion to Dismiss, arguing that Plaintiff lacks standing and has otherwise failed to state a claim on which relief may be granted, and (ii) a Motion to Strike Class Allegations. *See* Dkt. Nos. 10, 11.

3. On February 17, 2023, the Court issued an Order Governing Proceedings (the “Order”), which establishes deadlines for the Rule 26(f) conference, initial mandatory disclosures, and joint report of attorney conference, as well as sets a Rule 16 management conference for April 6, 2023. *See* Dkt. No. 14.

¹ Defendant files this Motion without prejudice to and with express reservation of all rights to contest jurisdiction in this matter.

4. On February 21, 2023, Plaintiff filed a Second Amended Complaint again alleging that Amazon discriminates in the dissemination of a grant provided to certain delivery service partners. *See* Dkt. No. 15.

5. The Parties conferred regarding Amazon's intent to file a renewed Motion to Dismiss, which will (among other things) renew its jurisdictional arguments that Plaintiff lacks standing to pursue this case.

6. The Parties agree that it would be appropriate under the law and in the best interests of efficiency and conservation of resources for discovery to be stayed pending Court resolution of the jurisdictional issues in Defendant's renewed Motion to Dismiss. *See, e.g., Von Drake v. Nat'l Broad. Co.*, No. 3-04-CV-652R, 2004 WL 1144142, at *1 (N.D. Tex. May 20, 2004) (quoting *Landry v. Air Line Pilots Ass'n Int'l AFL-CIO*, 901 F.2d 404, 436 (5th Cir. 1990)) ("[a] stay of discovery may be appropriate where the disposition of a motion to dismiss 'might preclude the need for the discovery altogether thus saving time and expense.'"); *Serafine v. Abbott*, No. 1:20-CV-1249-RP, 2021 WL 3616102, at *2 (W.D. Tex. May 12, 2021) (granting stay of discovery "[c]onsidering the jurisdictional nature of [the] motion to dismiss"); *J.A. b/n/f Alvarez v. Tex. Educ. Agency*, 2020 WL 3270834, at *2 (W.D. Tex. June 17, 2020) (granting motion to stay discovery where Defendant raised "threshold issues of standing and sovereign immunity"); *cf. N.H. v. Castilleja*, No. 1:19-CV-921-RP, 2023 WL 149989, at *1, 4 (E.D. Tex. Jan. 10, 2023) (Mazzant, J.) (noting that "district courts find that staying discovery is particularly appropriate if there are pending motions regarding jurisdictional or immunity questions").

NOW, THEREFORE:

In light of the foregoing, the Parties jointly and respectfully request that the Court grant this Motion and stay all discovery pending a ruling on Defendant's forthcoming Motion to Dismiss.

Dated: February 26, 2023

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on all counsel of record in accordance with the Federal Rules of Civil Procedure and this Court's CM/ECF filing system on February 26, 2023.

/s/ Angela C. Zambrano
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